

Docket No. 1919/60390-IP/JPW/GJG/JBC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants: Arlindo L. Castelhana et al.  
Serial No.: 10/718,411  
Filed : November 20, 2003  
Title : COMPOUNDS SPECIFIC TO ADENOSINE A<sub>1</sub> RECEPTOR AND  
USES THEREOF

1185 Avenue of the Americas  
New York, New York 10036

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Petitioner, OSI Pharmaceuticals, Inc., having a current place of business at 58 South Service Road, Suite 110, Melville, New York 11747, and previously at 106 Charles Lindbergh Blvd., Uniondale, New York 11553 as indicated in the Certificate attached hereto as Exhibit 1, the assignee of record of the entire right, title and interest in the above-identified application by virtue of an assignment from Arlindo L. Castelhana, Bryan McKibben and David J. Witter, in connection with U.S. Application No. 10/000,280, of which the subject application is a continuation, which was recorded with the United States Patent and Trademark Office on April 3, 2002 at Reel 012791, Frames 0075-0078, a copy of which is attached hereto as Exhibit 2, hereby disclaims, except as provided below, the terminal portion of the statutory term of any patent granted on the subject application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on commonly assigned U.S. Serial No. 10/000,280. Petitioner hereby agrees that any patent granted on the subject application shall be enforceable only for and during such period that such patent and any patent granted on U.S. Serial No. 10/000,280 are commonly

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